

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JERRY PINKS, individually and on behalf of
others similarly situated,

Plaintiff,

vs.

M & T BANK CORP.,

Defendant.

Index No.: 13-cv-1730—LAK—RLE

**DEFENDANT M&T BANK
CORPORATION’S MOTION FOR
CERTIFICATION OF SEPTEMBER 30,
2015 ORDER FOR INTERLOCUTORY
APPEAL UNDER 28 U.S.C. § 1292(b)**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law dated November 17, 2015, which is incorporated by reference, and upon all of the pleadings and proceedings heretofore had herein, Defendant M&T Bank Corporation (“M&T”) hereby moves this Court for certification of the September 30, 2015 Order denying M&T’s Motion for Partial Judgment on the Pleadings (Dkt. 98) for interlocutory appeal under 28 U.S.C. § 1292(b). In accordance with the Individual Practices of Judge Kaplan, a pre-motion conference is not required.

WHEREFORE, M&T respectfully requests that the Court certify the September 30, 2015 Order denying M&T’s Motion for Partial Judgment on the Pleadings (Dkt. 98) for interlocutory appeal under 28 U.S.C. § 1292(b).

Date: November 17, 2015

Respectfully submitted,

REED SMITH LLP

By: /s/ Roy W. Arnold

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CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel or parties of record electronically by CM/ECF.

/s/ Roy W. Arnold
*Counsel for Defendant M&T Bank
Corporation*